

Appl. No. 09/615,978
Amdt. Dated
Proposed Reply to Office action of Feb. 23, 2004

**PROPOSED RESPONSE FOR DISCUSSION
PURPOSES ONLY/NOT FOR FILING**

REMARKS AND ARGUMENTS

Claims 1, 5, 8-19, 21-23, 28, 30, 31, 33, and 35-39 are pending in the Application. Each of these claims is rejected under 35 U.S.C. 103(a), as being unpatentable over *Suzuki* WO98/25999A1, in view of *Stern, et al.* U.S. Patent No. 4,681,577, and alternatively, in view of *Hamajami* U.S. Patent No. 6,326,525, and/or *Suzuki* U.S. Patent No. 6,258,196. Applicants traverse each of these rejections.

Claims 5, 11, 12, 14, 21 and 37 are canceled, without prejudice and so as to facilitate and expedite examination of the remaining pending claims.

Amended Claim 1 recites a disposable absorbent article having, among other elements, an absorbent core constructed of an absorbent composite and a pair of longitudinally-extending, upstanding cuffs spaced laterally from the core. The upstanding cuffs further include a longitudinally-extending absorbent composite. Amended claim 1 also recites that the first absorbent composite (of the core) and the longitudinally extending absorbent composites in each cuff, are swellable sections of one continuous absorbent composite structure positioned about a crotch region of the article.

Applicants maintain the positions and arguments, as presented in the previous Responses to Office Action, regarding the patentability of claim 1 (even as previously amended) over the combination of the *Suzuki*, *Stern*, and/or *Hamajami* references. Applicants further emphasize, in this Response, that none of these references, individually or in any combination, teaches or suggests such a first absorbent composite and longitudinally-extending absorbent composites, which are swellable sections of one continuous absorbent composite structure.

New claim 40 depends from claim 1. Claim 40 further recites that the absorbent composite is folded and forms a non-swellable intersection between the absorbent core

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and each longitudinally-extending composite. This intersection is provided by a non-SAP coated band. None of the cited references teaches or suggests such a continuous absorbent composite folded in this manner and having the non-swellaable intersection and non-SAP coated band, as contemplated by the invention of claim 40.

Applicants note specifically that *Hamajami* does not teach or suggest such an absorbent composite that is folded to form such intersections and which provide such swellaable bodies on other side of the intersections. Moreover, the *Hamajami* reference does not teach or suggest the intersections having the non-SAP coated band as described in one or more of these claims.

Accordingly, each of independent claim 1 and dependent claims 8, 9, 10, 13, 15-17, and 40 is in condition for allowance.

Similarly, claim 18 recites a disposable absorbent article having an absorbent layer and two longitudinally-extending composite sections that form distinct swellaable SAP sections of a continuous absorbent composite. The absorbent composite is further described as being folded between the absorbent layer and each of the composite sections to form a substantially non-swellaable intersection therebetween. Claim 41 depends from claim 18 and further recites that the intersections are non-swellaable bands provided by a non-SAP coated band.

Accordingly, each of independent claim 18 and dependent claims 19, 22, 23, 28, and 41 is also in condition for allowance.

The remaining independent claims 30 and 39 contain one or more of the same or similar limitations discussed above, and thus, are also patentable over the cited prior art.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the appropriate Petition for an Extension of Time is not attached hereto (or any other Petition required of the application), this statement shall serve as Applicants' Petition to the U.S.P.T.O. Please charge any fees that are due for any Petition or any fee required of this filing to the deposit account of The Morris Law Firm, P.C., Account No. 50-0997 (AHP-P01880US1).

Respectfully submitted,

Date: _____

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